

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FIRST CHOICE FEDERAL CREDIT)
UNION,)
Plaintiff,) Civil Action No. 16-506
) Judge Nora Barry Fischer
) Chief Magistrate Judge Maureen P. Kelly
v.)
THE WENDY'S COMPANY, WENDY'S)
RESTAURANTS, LLC, and WENDY'S)
INTERNATIONAL, LLC,)
Defendants.)

HEARING MEMO

HEARING HELD: Initial Status Conference

DATE HEARING HELD: June 29, 2016

BEFORE: Chief Magistrate Judge Maureen P. Kelly

Appearing for Plaintiff:
Gary F. Lynch, Esquire
Erin Green Comite, Esquire

Hearing began at 8:51 a.m.

Stenographer: None

Appearing for Defendants:
Stephen S. Stallings, Esquire
Kristine McAlister Brown, Esquire

Hearing concluded at 10:05 a.m.

OUTCOME:

1. Reviewed claims and defenses. Substantial background facts and context of claims provided by counsel.
2. At this point, it is not anticipated that this case will move to MDL status. There is one consumer case in the Middle District of Florida where a motion to dismiss is pending.
3. Addressed preliminary case management and related scheduling.
4. Defense counsel to enter their appearances in all related cases by 7/1/16.
5. The Court will then address the unopposed Motion to Consolidate. ECF No. 14.
6. Following ruling on the Motion to Consolidate, the parties may file a joint stipulation

consenting to the jurisdiction of a United States Magistrate Judge for all further proceedings in the consolidated case, should they agree to the joint stipulation.

7. Defendants to file response to Motion to Appoint Interim Counsel, ECF No. 15, by 7/11/16.

8. If the Motion to Consolidate is granted, Plaintiffs to file Consolidated Complaint by 7/22/16 and Defendants to file response to Consolidated Complaint by 8/22/16. Defendants anticipate filing a motion to dismiss. If motion to dismiss is filed, Plaintiffs' response will be due 9/22/16.

9. As to initial class certification discovery, the parties are directed to: develop a detailed ESI protocol addressing all requirement elements as discussed during the conference and draft joint proposed protective order(s) by 8/26/16.

10. The parties are to draft and serve initial class certification written discovery and meet and confer relative to the discovery by 8/26/16.

11. A status conference will be conducted on September 1, 2016 at 1:30 p.m. to review all of the initial class certification discovery protocols and any related open issues. The dates for formal certification discovery responses will be addressed at this conference.

12. The Court encouraged the parties to exchange informal initial discovery information and communicate in a constructive manner.

cc: All counsel of record by Notice of Electronic Filing